

### REMARKS

This application was filed with 44 claims. Claims 1-5, 8-19, 22-28, 31-32, and 38-39 have been rejected. Claims 6-7, 20-21, 33-37, and 40-44 have been objected to. Claims 29 and 30 have been allowed. In response, Claims 1-5, 8-12, 15-19, 22-26, 31-32, and 38-39 have been canceled. Claims 6, 13, 20, 27, 33, and 40 have been amended. Therefore, Claims 6-7, 13-14, 20-21, 27-28, 33-37, and 40-44 are pending in the Application. Reconsideration of the application based on the remaining claims as amended and arguments submitted below is respectfully requested.

#### Amendments to Drawings

The Examiner has objected to drawing Figures 1-3 and indicated that the drawings should be amended to include a legend indicating that the drawings are part of the prior art. In response, the applicant has amended these figures to include the legend requested by the Examiner. Marked-up versions of these figures showing the proposed amendments are included with this response.

#### Claim Rejections - 35 U.S.C. § 112

Applicant respectfully requests that the rejection of Claims under §112 be withdrawn. The Examiner has rejected Claims 9-14 and 23-28 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. More specifically, the Examiner indicates that these claims are indefinite because they include the phrase "adapted to" and that phrase is not a positive limitation in any patentable sense. The applicant respectfully disagrees and traverses this rejection. In re Venezia, 530 F.2d 856, 189

USPQ 149 (CCPA 1976), which is cited in MPEP §2173.05(g), clearly indicates that the phrase "adapted to" can properly be used in a claim. Accordingly, applicant requests that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-5, 15-19, and 31-32 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rassman. In response, the applicant has canceled these claims without prejudice. This rejection is now moot and should be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 8-12, 22-26, and 38-39 have been rejected under 35 U.S.C. §103 based on Rassman and Negeshi. In response to this rejection, the applicant has canceled these claims. Thus, this rejection is now moot and should be withdrawn as well.

Allowable Subject Matter

The Examiner indicates that Claims 6-7, 13-14, 20-21, 27-28, 33-37, and 40-44 would be allowable if rewritten in independent form including all of the limitations of the relevant base and any intervening claims. In response, the applicant has amended Claims 6, 13, 27, 33, and 40 as requested by the Examiner and these claims should now be allowable. Claims 7, 14, 28, 20-21, 34-37, and 41-44 have not been separately amended. These claims, however, are all dependent claims that depend, either directly or indirectly, on amended Claims 6, 13, 27, 33, or 40 and, as a result, should now be allowable as well.

The Examiner has further indicated that Claims 13-14 and 27-28 would be allowable if they were rewritten to overcome the §112 rejection. The rejection of

Claims 13-14 and 27-28 based on §112 has been discussed above and, as indicated in that discussion, should be withdrawn.

The applicant acknowledges and thanks the Examiner for the allowance of Claims 29 and 30.

Prior art cited but not relied upon

The Examiner has made several references of record and indicated that those references were pertinent to the applicant's disclosure. The applicant has reviewed these references and determined that the invention as claimed is patentable over these references.

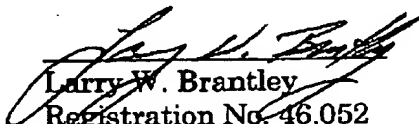
Miscellaneous

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied limitations in the claims and only the actual wording of the claims should be considered against these references.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the December 30, 2003, Office Action for 3 months from March 30, 2004, to June 30, 2004. The Commissioner is authorized to charge the petition fee in the amount of \$475 to Deposit Account 23-0035. The Commissioner is

further authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,



Larry W. Brantley  
Registration No. 46,052  
WADDEY & PATTERSON  
A Professional Corporation  
Customer No. 23456

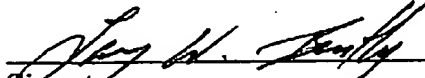
ATTORNEY FOR APPLICANT

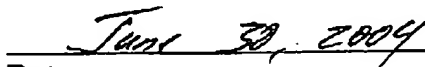
Larry W. Brantley  
Waddey & Patterson  
414 Union Street, Suite 2020  
Bank of America Plaza  
Nashville, TN 37219  
(615) 242-2400

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response and Amendment, including amended drawing Figures 1-3, is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on June 30, 2004.

Larry W. Brantley

  
\_\_\_\_\_  
Signature  
Registration Number 46,052

  
\_\_\_\_\_  
Date